

EXHIBIT 67

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION

4 Civil Action No. 1:17-cv-02989-AT

5
6 DONNA CURLING, et al.,

7 Plaintiffs,

8 vs.

9 BRAD RAFFENSPERGER, et al.,

10 Defendants.

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14
15 REMOTE VIDEOTAPED DEPOSITION OF
JAMES A. BARNES, JR.

16
17 Lakeland, Georgia
18 Wednesday, July 20, 2022
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25 Court Reporter: Michelle M. Boudreaux-Phillips, RPR

1 with the system.

2 Q And the poll worker training, is that
3 provided by the State or by you guys, by the County?

4 A Poll worker training is provided by the
5 County, but generally speaking, I try to look at how
6 some of the bigger, more successful offices do theirs
7 and mirror that.

8 Q Have you ever met Ms. Riddlehoover?

9 A No.

10 Q Ever spoken with her?

11 A No.

12 Q No emails, text messages, phone calls, no
13 contact with her at all?

14 A No contact whatsoever.

15 Q And did you decide not to contact her for the
16 same sort of reasons you decided not to contact
17 Ms. Hampton?

18 A That's correct.

19 Q When you came in, had Ms. Hampton left you
20 like a note, instructions, anything directed to you?

21 A No.

22 Q And Ms. Riddlehoover did not either?

23 A That's correct. It was my understanding that
24 they had left in February, and I came in in April,
25 so...

1 Q And who was managing the election program in
2 Coffee County in that window; do you know?

3 A I don't -- I don't know who would have been
4 doing it.

5 Q That wasn't something you asked
6 [indiscernible]?

7 A Well, it was my understanding that, you know,
8 the phone calls for the elections office were being
9 rerouted through the county commissioner's office.

10 Q So the county commissioner's office had took
11 on some level of responsibility while the State was
12 looking to replace -- or, sorry, while the County was
13 looking to replace Ms. Hampton?

14 A That's correct.

15 Q When you were in Lanier, when you started at
16 Lanier, the State was using the old DRE voting system,
17 right?

18 A That's correct.

19 Q And then they switched over to the BMD
20 system, right?

21 A That's correct.

22 Q And are you aware that the judge in this case
23 that you're here for, in August of 2019, ordered the
24 State to stop using the DRE system?

25 A Yes, and to go to a paper ballot.

1 A That's correct.

2 Q And why was it that you didn't try to access
3 the EMS server or the ICC until a few weeks after you
4 arrived?

5 A Because there wasn't an election for a while
6 out, so there wasn't really any need to. And there was
7 quite a bit of other work to do, also, catching up on
8 voter registrations and things like that.

9 Q So you didn't try to access the EMS server or
10 the ICC with the password you had until a need arose
11 with an upcoming election?

12 A That's correct.

13 Q Where did you get the 16-digit password that
14 you were trying to use?

15 A Initially, that was the same one that had
16 gotten left there by Ms. Hampton. And I called CES up
17 to make sure that that was, in fact, the correct
18 password, they verified that that should be the correct
19 password, and when I tried it several times and it
20 didn't work, they said that they would come down and
21 take a look.

22 Q You said it was left by Ms. Hampton. Where
23 did you find it?

24 A It was still up there attached to the
25 computer screen.

1 Q On the Post-it note?

2 A Yeah.

3 Q Okay. And how did you confirm with CES that
4 that was the password that they had provided initially?

5 A By calling up there to the CES office.

6 Q So you called someone at CES, you read the
7 16-digit password, they said, "Yeah, that's the one
8 that we have for this equipment," and you pointed out
9 it didn't work?

10 A That's correct.

11 Q Was the 16-digit password in Coffee County
12 the same one that you used for the EMS or ICC in
13 Lanier?

14 A No.

15 Q So Lanier had a different password?

16 A That's correct.

17 Q Also 16-digit?

18 A Yeah, they're all the 16-digit,
19 Google-generated type passwords.

20 Q Okay. And they're all provided by the State?

21 A That's correct.

22 Q What did CES say when you contacted them and
23 said the password doesn't work?

24 A Like I said, they tried to go back through it
25 several times with me and just make sure that I

1 wasn't -- it wasn't a user error on my part. And then
2 when it continued not to work, they said that they
3 would come down and take a look at it the following
4 week.

5 Q Do you recall who specifically you spoke with
6 at CES?

7 A I believe it was Prateek Patel that I spoke
8 to because, like I said, I know him better than most
9 since he builds my ballot databases.

10 Q Sorry, give me the name one more time.

11 A Prateek Patel.

12 Q Patel is P-A-T-E-L?

13 A Yes, that's correct.

14 Q And this was sometime in late April of 2021?

15 A Yes, I believe that's correct.

16 Q Did you ask or was there any discussion with
17 him or anyone else at the Secretary's office about why
18 the password wasn't working?

19 A Well, when he came down, he brought another
20 gentleman with him named Chris. I'm not sure about his
21 last name. I just know he works at CES. And initially
22 they -- you know, first thing he did was try that
23 password just to see if it worked, because in the past
24 people have just messed it up and not done it right.
25 And they didn't know why the password had been changed,

1 said that it shouldn't have been able to be changed,
2 and that's basically where that stood. So I have no
3 idea why or how.

4 Q But they -- Mr. Patel came in and someone
5 else named Chris, both from CES, right?

6 A Yes, that's correct.

7 Q And they looked at the ICC and the EMS server
8 and their assumption was that somebody had changed the
9 password?

10 A I'm not sure, actually. They just seemed
11 surprised to me because, like he said, they're not
12 supposed to be able to change it. So I'm not sure that
13 they knew exactly what had happened --

14 Q Got it.

15 A -- at that juncture.

16 Q All they could tell was the password didn't
17 work?

18 A Yes, that's correct.

19 Q And they explained that people at the county
20 level aren't supposed to have administrative rights to
21 change a password?

22 A Yes, that's correct.

23 Q So what happened next?

24 A After that, I was told that they were going
25 to have to replace the server and take it back to CES,

1 you don't have it, then you don't have it," so...

2 Q What does that mean, "if you don't have it,
3 you don't have it"?

4 A Well, he said if I don't have it there on the
5 server, then I don't have anything responsive to that.
6 So I took that to mean that he didn't have it either.

7 Q So you got an open-records request related to
8 the EMS server that had been replaced, you contacted
9 Mr. Patel, and he said if you don't have something
10 locally in Coffee County, you don't have anything to
11 produce?

12 A Yes, that's correct because -- I don't know
13 what that meant as far as his side. I just assumed it
14 meant they hadn't gained access either.

15 Q But you didn't ask him specifically if they
16 had been able to access the server themselves?

17 A Well, it was my understanding that when I
18 asked him if they had been able to access it because I
19 needed to get this equipment, he said that if I don't
20 have it locally, then, you know, I just don't -- I
21 don't have anything, that they hadn't been able to
22 access it. That's generally what you would assume if
23 an IT guy tells you that.

24 Q Right, but he -- I just want to be really
25 precise. And I apologize, because we're lawyers, words

1 matter.

2 Did he -- at any point, did Mr. Patel ever
3 say to you explicitly that no one at the Secretary of
4 State's office, including CES, had been able to access
5 the EMS server that was taken?

6 A He did not specifically say that, but I had
7 asked them if they had accessed it to be able to get
8 that -- if there was any way I could get that. And he
9 responded in the negative to that, so I took that to
10 mean that, no, they had not.

11 Q When you say "he responded in the negative,"
12 he said if you don't have it locally, you don't have
13 anything to produce for the open records, right?

14 A Yes, he said if I don't have a copy of it
15 physically there in my office, then there's nothing
16 available to give them.

17 Q Okay. So as you sit here today, you don't
18 know for certain whether anyone at the Secretary's
19 office ever got access to the ICC or the EMS server?

20 A No, I don't.

21 Q And the conversation you had with Mr. Patel
22 about the open-records request, do you remember
23 approximately when that was?

24 A Honestly, I'm not sure.

25 Q Would you say the latter half of 2021, like

1 closer to the time that you left, or closer to the time
2 you arrived?

3 A It was the latter half of 2021. It's just
4 typically the elections office gets so many
5 open-records request, it's hard to keep track of them.

6 Q Sure. And was this a phone conversation or
7 an email exchange?

8 A A phone conversation.

9 Q So you never sent an email or a text message
10 or created any written document about replacing the EMS
11 server or the ICC?

12 A No.

13 Q Why is that? It's not a small thing to get a
14 new ICC and a new EMS. Why not create a report on
15 this?

16 A Well, say in your office, if you contact an
17 IT guy with a problem, do you usually email him or do
18 you usually call him up because it's simpler?

19 Q Well, for us it's easier to email.

20 A I got you. Well, for me it's easier to walk
21 through a problem talking, so that's just typically why
22 I do.

23 Q Okay. No, and I understand that, I
24 understand the phone call to Mr. Patel. I'm sorry.
25 I'm asking a different question, which is: The point

1 at which you -- the State replaced the ICC and the EMS
2 and you realized the password didn't work, I'm curious
3 why you -- why you didn't write a report to provide for
4 the Board, for example, or to have posterity for the
5 incoming -- you know, the next elections supervisor, on
6 what had happened here and what had been done.

7 A Well, like I said, you have to understand
8 that the office was in quite a bit of disarray and
9 there was a lot to do in there. So kind of trying to
10 tackle one emergency at a time, you know.

11 Q But it never occurred to you to put anything
12 in writing on something as substantial as replacing an
13 ICC and an EMS server?

14 A Well, what my job was, was there was a
15 problem and to get the problem fixed, so that's what I
16 did.

17 Q What did you share with the Board, if
18 anything, the election board, about this situation?

19 A We had a conversation about it because I was
20 letting them know that, you know, "Hey, we had some
21 guys from the State that had to come because there's a
22 problem with the server and I can't access it, and
23 we've got an upcoming election."

24 Q And when was that approximately?

25 A I'm not entirely sure. It would have been

1 around the beginning of May.

2 Q So shortly after the situation arose, you
3 alerted the Board in some fashion that this had
4 happened?

5 A Yeah.

6 Q And who specifically did you alert?

7 A I believe it was just brought up in the
8 meeting, as I may recall, but it's been a while.

9 Q So your memory is Mr. Patel comes in,
10 replaces the server and the ICC, and then at the next
11 monthly board meeting, you provided some sort of oral
12 report to the Board on that?

13 A Yes.

14 Q And your memory is that -- were all the board
15 members present for that, to your recollection? Were
16 any missing?

17 A I'm not sure if everyone was there or not
18 because you know how it is trying to schedule meetings.

19 Q And this would have been one of the meetings
20 in the conference room in your office that you
21 mentioned?

22 A Yes, that's correct.

23 Q And since you provided the Board a monthly
24 report, why not include this in that monthly report as
25 well when you were preparing that report?

1 A Honestly, I'm not sure if it was in the
2 minutes or not.

3 Q The minutes of the board meetings, are those
4 public?

5 A Yes, that's correct.

6 Q Okay. And would it surprise you that there's
7 no indication of discussion of this?

8 A Not really. Like I said, I was more
9 concerned with the election than going through the
10 issues of documenting down everything. I don't
11 typically make it a point to document a lot of things
12 other than my emails, which are open, and my phone
13 records, which are open, and if I have some reason to
14 write a report to the State.

15 Q It didn't -- it didn't trouble you that you
16 came in to an office where the prior two election
17 officials had been at least encouraged to leave for
18 what you said was not being honest or accurate about
19 their time records, it didn't trouble you that the EMS
20 server and the ICC were no longer even accessible? You
21 didn't view that as a security concern?

22 MR. DENTON: Object to the form.

23 THE WITNESS: Definitely, because I
24 contacted the State about it. But like I
25 said, it's not my job to speculate on what

1 anything may or may not be. It's my job to
2 report a problem if I have one, which I did.

3 Q (By Mr. Cross) And did you contact -- so you
4 didn't contact -- you didn't think this warranted
5 communicating to law enforcement, for example, like the
6 GBI?

7 A No. It's simply I couldn't get into it, they
8 came and replaced it and fixed it for me. That was
9 that.

10 Q Were you concerned that the fact that the
11 password never -- no longer worked, that maybe that was
12 an indication that someone had done something they
13 weren't supposed to do on that server and on the ICC?

14 A Like I said, I don't get paid to speculate
15 and investigate. That's why the State has
16 investigators.

17 Q So from your perspective, you walked in, the
18 password didn't work, you did what you were supposed to
19 do, contacted the State, and you left it for them to
20 investigate and figure out if there was a bigger issue?

21 A That's correct.

22 Q And did you ever hear from anyone at the
23 State again about this particular issue, that the
24 password didn't work and they had to replace these two
25 pieces of equipment?

1 MR. DENTON: Object to form.

2 THE WITNESS: No, I did not, but it's
3 not unusual for the State not to follow back
4 up with us. I mean, there's 159 counties.
5 They'd have to have more employees to follow
6 up with everybody on everything, I'm sure.

7 Q (By Mr. Cross) But we're talking about a
8 county where the elections supervisor reportedly had
9 been asked to leave for not being honest with time
10 records, where she put up a video that had the original
11 password for this machine publicly accessible, and then
12 the password didn't work when you showed up and all her
13 emails were gone. That doesn't strike you as sort of
14 circumstances where somebody might want to dig a little
15 deeper beyond just replacing the equipment?

16 A Well, like I said, I'm not paid to be an
17 investigator. I'm paid to be an elections supervisor.
18 And normally my follow-up is if I get an invitation to
19 a State Election Board case.

20 Q But you said it doesn't surprise you
21 initially they didn't follow up because they're busy
22 and they have lots of things, but we're not talking
23 about an ordinary situation here, right? We agree on
24 that, this is not an ordinary situation?

25 A Well --

1 MR. DENTON: Object to form.

2 A -- here's the thing, they investigate all of
3 these things. And usually I hear back about it because
4 there will or there will not an SEB case on it. So
5 it's not unusual for me not to hear back from them
6 unless it's because it's going to the State Board.
7 That's not unusual for anybody, as far as I know.

8 Q But as you sit here today, you don't -- you
9 never got any indication from anyone at the State,
10 Secretary's office, or the SEB, that any investigation
11 was conducted into why the password wasn't working,
12 right?

13 MR. DENTON: Object to form.

14 THE WITNESS: I have no idea whether
15 there was an investigation or not, and I
16 don't -- I don't get SEB case updates
17 anymore, so I have no idea if there's one
18 ongoing right now or not.

19 Q (By Mr. Cross) Is there anyone else you
20 communicated with about this password issue?

21 A No.

22 Q For example, did you reach out to former
23 colleagues in Lanier that you were close with or
24 Mr. Vickers?

25 A Oh, well, I did -- I did reach out to Josh

1 Coffee County; is that your understanding?

2 A Yes, that's correct. And I also kept regular
3 voters and people from going back there into the inner
4 office. We just dealt with them at the countertop up
5 front.

6 Q And that was a change from prior practice in
7 Coffee County?

8 A Yes.

9 MR. CROSS: Okay, why don't we take
10 another break. Let's go off the record.

11 THE VIDEOGRAPHER: The time is 12:05.
12 We're off the record.

13 (Recess taken.)

14 THE VIDEOGRAPHER: The time is 12:27.
15 We're back on the record.

16 Q (By Mr. Cross) All right, sorry, just trying
17 to pull something up real quick.

18 All right, Mr. Barnes, I want to make sure I
19 got -- I understood something right.

20 So when the State took the ICC and the EMS
21 server, was that documented, like was there chain of
22 custody paperwork that you signed on that?

23 A I don't recall signing chain of custody
24 paperwork. Maybe I did. I'm not sure. It's been a
25 while, but...

1 Q But you expect to, right? That's a pretty
2 major change, to bring in a new ICC and EMS and get rid
3 of the old one. There would be chain of custody
4 documentation, right?

5 MR. DELK: Object to form.

6 THE WITNESS: If there was, the State
7 would have that option.

8 Q (By Mr. Cross) The County wouldn't keep a
9 copy of their own chain of custody documents so that
10 there's a record of replacing the ICC and the EMS?

11 A I'm not aware of any documentation about it
12 being taken, but then again, it was the state employees
13 coming to get it, so...

14 Q And you don't recall them handing you
15 paperwork to sign?

16 A I don't recall, no.

17 Q But you agree that chain of custody is
18 important, right?

19 MR. DELK: Object to form.

20 MR. DENTON: Object to the form.

21 THE WITNESS: Yeah, chain of custody is
22 important.

23 (Exhibit 3 marked for identification.)

24 MR. CROSS: Grab Exhibit 3, if you
25 would, please, sir. Just let me know when

1 you've got it.

2 THE WITNESS: I've got it.

3 MR. CROSS: All right.

4 Q (By Mr. Cross) Do you see at the top there's
5 an email that you sent to Robert Hernandez on May 6,
6 2021?

7 A Yes, that's correct.

8 Q And Robert Hernandez is one of the state
9 investigators you mentioned before that you dealt with
10 while you were at Coffee County?

11 A Yes.

12 Q And you see in your email, you write in your
13 second sentence, "You will find a response letter from
14 our office attached." Do you see that?

15 A Yes.

16 Q If you come down to the second page, you see
17 the letter that you sent to Mr. Hernandez there?

18 A Yes.

19 Q And at the end of that -- well, you point
20 out -- you start the letter by saying, "I assumed the
21 position of Supervisor of Elections on April 1st,
22 2021." Do you see that?

23 A Yes.

24 Q In the last paragraph, you wrote, "The
25 Coffee County Board of Elections fully understands the

1 requirement of maintaining absentee ballot transfer
2 sheets and chain of custody documents, and will ensure
3 this occurs for any future elections."

4 Do you see that?

5 A Yes.

6 Q And yet as you sit here, you don't recall
7 whether there were any chain of custody documents
8 maintained by the County or even signed for something
9 as significant as replacing your ICC and EMS server; is
10 that right, sir?

11 A Well, I understand your implications here;
12 however, there's not even paperwork around to be able
13 to fill out for this. It's not like this is something
14 anybody ever planned to happen. We don't even have a
15 chain of custody document for replacing servers.

16 Q 159 counties in Georgia, no one has ever had
17 to replace an ICC or a scanner -- or a server before?

18 MR. DENTON: Object to form.

19 MR. DELK: Object to the form.

20 Q (By Mr. Cross) Is that what you're saying?

21 A I'm not sure about all the other 159
22 counties.

23 Q You think in all the time that the State has
24 had electronic voting equipment across 159 counties,
25 they've never had to replace a server or an ICC

1 scanner?

2 MR. DELK: Object to the form.

3 MR. DENTON: Object to form.

4 THE WITNESS: The only thing I can
5 account to is I've never seen a form for
6 transferring those items.

7 Q (By Mr. Cross) And you don't think the State
8 has chain of custody documents, forms, or -- for
9 something as significant as replacing that election
10 equipment? You just think --

11 MR. DENTON: Object to form.

12 THE WITNESS: I've never seen it.

13 Q (By Mr. Cross) When Mr. Patel took the
14 equipment, did you ask him, did you say, "Hey, think I
15 should sign something here, maybe we should have some
16 kind of documentation that we've done this"?

17 A No, because both of the gentlemen that were
18 there were higher up [indiscernible] state employees,
19 and I trusted them.

20 Q Has anyone ever indicated to you that the
21 Secretary of State's office actually cannot take that
22 equipment and the data on it without a court order?
23 Has anybody ever discussed that with you?

24 A No.

25 Q As the elections supervisor, did you have an

1 understanding of whether your office was supposed to be
2 legally the custodian of records of everything on that
3 equipment?

4 A My understanding, there were legal custodians
5 of things, but how are you supposed to access it if you
6 don't have a password that works for it?

7 Q Well, I'm not asking about access right now.
8 I'm just asking you. You were the legal -- you
9 understand the County is the legal custodian of the
10 election data on those pieces of equipment, but you
11 handed them over to the State and didn't even document
12 it. I mean, that's the testimony today, right, sir?

13 MR. DENTON: Object to form.

14 THE WITNESS: I turned it over to the
15 State.

16 Q (By Mr. Cross) You mentioned something
17 earlier, and I just want to make sure I didn't
18 misunderstand. You said when they -- when Mr. Patel
19 first came in and was trying to access the data on the
20 EMS server, you said something to the effect that
21 they -- that they were able to move some data back-door
22 style?

23 A Well, they were able to --

24 MR. DENTON: Object to form.

25 THE WITNESS: It ended up being mostly

1 over here; maybe I should forward that along and let
2 the State take over on that.

3 Q So you emailed Mr. Harvey and let him know
4 about the card, right?

5 A Yes, that's correct.

6 Q Why did you email him instead of calling him?

7 A Just because I wasn't sure what to do with
8 it. I had contacted a former supervisor about it and
9 said, "Hey, this doesn't look good." And he said,
10 "Well, why don't you go ahead and email Chris and let
11 him know." So that's what I did.

12 Q So when you came in and you realized that you
13 couldn't get access to the ICC and the EMS server, you
14 didn't email anyone about it, you only used the phone,
15 but when you thought about the Cyber Ninjas card might
16 be an issue, you emailed. Why treat them differently?

17 MR. DENTON: Object to form.

18 THE WITNESS: Well, just because it was
19 suggested that I email Chris Harvey, so
20 that's what I said. I mean, there's no
21 special, magic sauce to it. It's just how it
22 happened.

23 MR. CROSS: Okay.

24 (Exhibit 6 marked for identification.)

25 Q (By Mr. Cross) So pull up Exhibit 6, if you

1 would, please.

2 I'm sorry. Was Josh Black the one who
3 suggested you email Mr. Harvey?

4 A Yes, that's correct.

5 Q Just let me know when you've got this.

6 A I've got it.

7 Q All right. So if you look at the first page,
8 you'll see there's an email thread there. Do you see
9 that?

10 A Yes.

11 Q And if you come down to the bottom, there's
12 an email from you to Chris Harvey on May 7, 2021. Do
13 you see that?

14 A Yes.

15 Q But it's -- the full email is not there, but
16 you can see it reads, "The Dominion email today,
17 pertaining to Cyber Ninjas, was alarming to me. When I
18 took over at the Coffee County office, the attached
19 business card was at the base of Misty Hayes' computer
20 monitor."

21 And then if you scroll down, you'll see the
22 whole email of what you said. Do you see that?

23 A Yes.

24 Q And then you say, "I thought nothing of it
25 until I heard about the situation in Arizona with the

1 DOJ. If she did not use them, she was at the very
2 least in contact." Do you see that?

3 A Yes.

4 Q And then if you go all the way to the bottom,
5 you'll see a copy of the Cyber Ninjas card that you
6 sent to Mr. Harvey.

7 A Yes.

8 Q What was the situation in Arizona with DOJ
9 that prompted your concern?

10 A Well, that was mentioned in that Dominion
11 email, you know, where the Department of Justice had
12 come in and stopped that -- stopped them from, you
13 know, tampering with the equipment. So I just felt
14 like it would be pertinent to look into that.

15 Part of the reason is -- you can see why that
16 was sent in email form, is because I scanned the card
17 just to show, hey, this Douglas Logan guy had a
18 business card here.

19 Q Got it. Yep.

20 And then -- so do I understand correctly your
21 concern was you got an -- you got the alert from
22 Dominion, you understood the situation with DOJ in
23 Arizona --

24 A Yes.

25 Q -- with Cyber Ninjas, and you thought there

1 at least potentially could be a similar compromise
2 issue in Coffee County, and so you thought you should
3 alert Chris Harvey to that? Is that fair?

4 A Yes. And, of course, I was also, you know,
5 thinking about the situation -- if somebody had come in
6 and, you know, touched any of the equipment or done
7 anything.

8 Q Right. And did it occur to you that that
9 might explain why the password no longer worked on the
10 ICC and the EMS, that someone like Cyber Ninjas may
11 have come in and done something?

12 A Yeah, the thought did cross my mind.

13 Q And was that something you discussed with
14 Mr. Harvey or Mr. Patel or others when they were
15 looking into the server and replacing it?

16 A Well, when I was talking with them about it,
17 part of my concern was that, you know, potentially
18 somebody had done something to that server.

19 Q Did you speak specifically with Mr. Patel,
20 for example, about maybe it was Cyber Ninjas?

21 A Honestly, I thought that I had sent that to
22 Chris before they ever got the servers, but it may have
23 been after that.

24 Q So your thinking is that you sent this email
25 to Mr. Harvey with the Cyber Ninjas card before they

1 day, and we provide that via email to the State
2 liaison. And, of course, when we send our election
3 materials off, we always send one of those, as well, to
4 them.

5 Q So the EMS server is networked, it's
6 hardwired to the ICC?

7 A That's correct.

8 Q And the ICC is the computer and that's --
9 that manages the central scanner?

10 A Yes.

11 Q And so that computer, the ICC, is hardwired
12 to the central scanner?

13 A Yes, it is.

14 Q But there are election results or election
15 files that are taken off the EMS onto a flash drive by
16 the County?

17 A Yes, because we keep a -- usually you want to
18 keep a backup of your election projects -- your
19 election project on one just in case there's a glitch,
20 the power gets knocked out, something happens.

21 Q Right. And I thought you had said earlier,
22 for example, that you expected there to be election
23 project files from prior elections on a flash drive.

24 A Yes.

25 Q So in addition to the flash drives that the

1 State provides to upload election files for an
2 election, in your experience, the County also has flash
3 drives that it plugs into the EMS to pull down a copy
4 of election project files after an election, right?

5 A Well, usually it's during the election. But,
6 yes, once you complete it, you should update that
7 backup one last time just in case something ever
8 happened to the server and you needed to
9 [indiscernible].

10 Q And in your experience, when that happens,
11 were you using the same flash drive that the State
12 provided before the election or using a different flash
13 drive to pull the election project files off?

14 A No, it's a different one.

15 Q And where did you get that flash drive?

16 A This -- these were the black flash drives
17 that the State originally sent. They sent like a
18 fairly large box full of them.

19 Q When did those come in?

20 A Before I got there.

21 Q I see. And where -- and so when you got
22 there, where did you find these flash drives?

23 A The box of flash drives were just in there in
24 the server room.

25 Q How many were in there approximately?

1 A Maybe 30 or 40, something around that nature.

2 Q You said maybe 30 or 40?

3 A Yes.

4 Q And none of those flash drives had any
5 election project files from elections preceding you?

6 A No. Those were blank.

7 Q They were all blank.

8 How do you know that all 30 or 40 flash
9 drives in that box actually came from the State?

10 A Well, I'm not entirely sure that they did,
11 but it had the -- they were black and had the same
12 writing on it as the one the State sent, so I assumed
13 they were.

14 Q I see. Okay.

15 And you were in -- you were the assistant
16 elections supervisor in Lanier County for the
17 switchover from DREs to BMDs, right?

18 A Yes, that's correct.

19 Q And was it the same method there? So with
20 the DRE system, you'd have a flash drive, you'd pull
21 off the election data onto a flash drive from the old
22 GEMS server, much like you do with the Dominion system
23 now; is that right?

24 A Yes, that's correct.

25 Q And when you were in Lanier County and there

C E R T I F I C A T E

STATE OF GEORGIA

COUNTY OF COBB

I, MICHELLE M. BOUDREAUX-PHILLIPS, do hereby
certify that JAMES A. BARNES, JR., the witness whose
deposition is hereinbefore set forth, was duly sworn by
me and that such deposition is a true record of the
testimony given by such witness.

I further certify that I am not related to
any of the parties to this action by blood or marriage
and that I am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 27th day of July 2022.



MICHELLE M. BOUDREAUX-PHILLIPS, RPR